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*Hired, D.*

# **DORSEY & WHITNEY**

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April 12, 1985

Elizabeth Thompson, Esq.  
Popham, Haik, Schnobrich,  
Kaufman & Doty  
4344 IDS Center  
Minneapolis, Minnesota 55402

Re: United States of America, et al v. Reilly  
Tar & Chemical Corporation, et al

Dear Elizabeth:

Although our client opposes your motion for leave to file a second amended complaint in intervention in the above matter, in light of Judge Magnuson's ruling on the State of Minnesota's recent motion to amend, we have decided not to file the formal papers in opposition to your motion, but instead will allow the matter to stand as if your motion had been granted over our formal opposition. Accordingly, please find enclosed a Stipulation and Order concerning this matter which I have signed on behalf of our client. Please send me a conformed copy when you have signed it and sent it on to the court for filing.

By copy of this letter, I am informing Judge Magnuson that the hearing which you had previously scheduled for April 19, 1985 on this motion will no longer be necessary.

Very truly yours,

*Michael*

Michael J. Wahoske

MJW/kmh

Enclosure

cc: (w/enc.) The Honorable Paul Magnuson  
All Counsel of Record

APR 17 1985

RECORDED

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

UNITED STATES OF AMERICA,

Civil No. 4-80-469

Plaintiff,

and

STATE OF MINNESOTA, by its  
Attorney General Hubert H.  
Humphrey, III, its Department  
of Health, and its Pollution  
Control Agency,

Plaintiff-Intervenor,

vs.

REILLY TAR & CHEMICAL CORPORATION;  
HOUSING AND REDEVELOPMENT AUTHORITY  
OF ST. LOUIS PARK; OAK PARK VILLAGE  
ASSOCIATES; RUSTIC OAKS CONDOMINIUM,  
INC.; and PHILIP'S INVESTMENT CO.,

Defendants,

and

STIPULATION AND ORDER

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

vs.

REILLY TAR & CHEMICAL CORPORATION,

Defendant,

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

vs.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

**IT IS HEREBY STIPULATED AND AGREED**, by and between the City of St. Louis Park ("City") and Reilly Tar & Chemical Corporation ("Reilly"), that, although Reilly opposes the motion of the City for leave to file a Second Amended Complaint in Intervention in the above matter, in light of the Court's Order of April 5, 1985 granting the State of Minnesota's motion to amend its Complaint in Intervention, Reilly will not file a formal opposition to the City's motion, and the matter will stand as if the Court granted the motion of the City for leave to file a Second Amended Complaint in Intervention over Reilly's opposition thereto. Reilly reserves all rights it would have if the motion had been granted over its formal opposition thereto.

Dated: 4/12/85

DORSEY & WHITNEY

By Michael J. Wahoske  
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Attorneys for Defendant  
Reilly Tar & Chemical Corporation

Dated:

POPHAM, HAIK, SCHNOBRICH,  
KAUFMAN & DOTY, LTD.

By Wayne G. Popham  
Elizabeth A. Thompson  
Thomas C. Mielenhausen  
- 2 - 4344 IDS Center  
Minneapolis, Minnesota 55402  
Attorneys for the City

It is so ordered.

Dated:

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Paul A. Magnuson  
Judge, United States District Court